

REMARKS

Claims 1-26 were examined by the Office, and in the Office Action of October 9, 2007 all claims are rejected. With this response claims 1, 5-6, 9, 14-17, 20-22 and 24 are amended, and claim 11 is cancelled. All amendments are fully supported by the specification as originally filed. Support for the amendments can be found at least from Figures 1&2 and the accompanying description, as well as page 9, lines 16-19 of the specification.

Applicant respectfully requests reconsideration and withdrawal of the rejections in view of the following discussion.

**Claim Rejections Under § 102**

In section 4, on page 2 of the Office Action, claims 1-2, 5-6, 8-9, 11, 13-14, 16-22 and 24-25 are rejected under 35 U.S.C. § 102(a) as anticipated by Leinonen et al. (U.S. Patent No. 6,826,391). Applicant respectfully submits that claim 1 is not disclosed or suggested by Leinonen, because Leinonen fails to disclose or suggest all of the limitations recited in claim 1. Leinonen at least fails to disclose or suggest a control component configured to determine whether a received signal comprises signals in a second frequency band, and that the second antenna is configured for reception of signals in the second frequency band when the control component determines that the received signal comprises signals in the second frequency band, as recited in claim 1.

Leinonen is directed to antenna systems that may be configured to receive signals on the same frequency on at least two antennas. For example, Figure 1b shows reception antenna (12) for receiving GSM-850, and reception/transmission antenna (13) for receiving WCDMA-1900. When the system shown in Figure 1b is operating in the WCDMA-1900 mode the antenna (12) can be tuned by tuner (20) to the reception frequency of the WCDMA-1900 mode. See Leinonen column 6, lines 27-29. Similar tuning can occur in the system shown in Figure 1c. See Leinonen column 6, lines 49-52. In addition, Leinonen states with respect to Figure 5 that in normal operations antenna (12) is tuned at the reception frequency of GSM-850 for reception, and antenna (13) is tuned at the reception frequency of GSM-1900/WCDMA-1900 for reception. See Leinonen column 8, lines 42-46. However, Leinonen does not disclose or suggest what controls the tuning of the antennas, i.e. how the determination is made whether to tune the antenna to WCDMA-1900 or GSM-850 mode for example. Instead, Leinonen only states that it

is possible to tune the antenna (12) to the reception frequency of the WCDMA-1900 mode when the system is operating in the WCDMA, but provides not disclosure or suggestion as to how this determination is made.

In contrast to Leinonen, claim 1 is amended to recite a control component configured to determine whether a received signal comprises signals in a second frequency band, and that the second antenna is configured for reception of signals in the second frequency band when the control component determines that the received signal comprises signals in the second frequency band. Therefore, when signals in the second frequency band are transmitted to the apparatus, the control component causes the second antenna to receive those signals. However, when no signals in the second frequency band are present, the second antenna is configured to receive signals in the first frequency band and receive diversity results. Leinonen is silent as to how it is selected whether to receive in one frequency mode or another, and therefore Leinonen cannot disclose or suggest the limitations recited in claim 1. Leinonen only discloses with reference to Figure 4 that it is possible to tune antenna (10) to the reception frequency by the tuner (20) under a control signal (109) so that antenna (10) also receives GSM signals. See Leinonen column 8, lines 10-14. The control signal (109) may be provided by a processor (94), which is used to combine the signals received by antennas (10) and (12). See Leinonen column 8, lines 19-21 & 28-30. However, the processor is not configured to determine whether a received signal comprises either GSM or WCDMA signals, and therefore cannot correspond to the control component recited in claim 1. For at least the reasons discussed above, applicant respectfully submits that claim 1 is not disclosed or suggested by Leinonen.

Independent claims 17, 21-22 and 24 are amended in a manner similar to claim 1, and are rejected for similar reasons as claim 1. Therefore, for at least the reasons discussed above in relation to claim 1, claims 17, 21-22 and 24 are not disclosed or suggested by Leinonen.

The dependent claims rejected above, and depending from the above mentioned independent claims are not disclosed or suggested by Leinonen at least in view of their dependencies.

**Claim Rejections Under § 103**

In section 5, on page 6 of the Office Action, claims 7 and 10 are rejected under 35 U.S.C. § 103(a) as unpatentable over Hong (U.S. Appl. Publ. No. 2003/0125078) in view of Braun et al. (U.S. Patent No. 6,980,782). The Office states that claims 7 and 10 are rejected by Hong as applied to claims 5 and 9, however the Office has not rejected claims 5 and 9 in view of Hong. Instead, the Office has applied Leinonen against claims 5 and 9.

Despite the typographical error, claims 7 and 10 all ultimately depend from an independent claim, and are patentable over the cited references, whether Leinonen in view of Braun or Hong in view of Braun, at least in view of their dependencies.

In section 6, on page 7 of the Office Action, claims 3-4, 15 and 23 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen in view of Eggleston (U.S. Patent No. 6,414,640). Claims 3, 4, 15 and 23 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

In section 7, on page 8 of the Office Action, claims 12 and 26 are rejected under 35 U.S.C. § 103(a) as unpatentable over Leinonen in view of Balchunas et al. (U.S. Appl. Publ. No. 2006/0097171). Claims 12 and 26 all ultimately depend from an independent claim, and are patentable over the cited references at least in view of their dependencies.

Conclusion

Applicant respectfully submits that the present application is in condition or allowance, and such action is earnestly solicited. The undersigned hereby authorizes the Commissioner to change any fee deficiency required to submit this response to Deposit Account No. 23-0442.

Respectfully submitted,

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